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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,433	08/07/2003	Nicolaas van der Blom	1500-000001/US/DVB	8525

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EXAMINER

RIVELL, JOHN A

ART UNIT PAPER NUMBER

3753

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/635,433	<b>Applicant(s)</b> BLOM, NICOLAAS VAN DER	
	<b>Examiner</b> John Rivell	<b>Art Unit</b> 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/7/03 (application).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 13, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 4, 8-12 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/837,505.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08072003</u> . | 6) <input type="checkbox"/> Other: _____  |

Claims 1-16 are pending.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, claim 7 requires "said sealing means (to be) sealing the outer surface of the activating pin against the surface of the piston control means". This "sealing means" is read as the seal element disclosed in figure 9 at seal 314.

Claim 3, from which claim 7 ultimately depends, requires the "sealing means (to be) sealing the edge of the piston against the wall of the cylinder".

There is no disclosure of a single "sealing means" performing both the function of "sealing the edge of the piston against the wall of the cylinder" and "sealing the outer surface of the activating pin against the surface of the piston control means" as required by claim 7.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 provides for the use of a valve connector of claim 1, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 16 is further rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. §102 (b) as being anticipated by Brummer.

The patent to Brummer discloses, in figures 3-5 for example, a "valve connector for coupling with inflation valves of vehicle tyres, comprising a housing (at 20), within the housing a coupling hole (within nut 17) for coupling with an inflation valve (18), the coupling hole having a central axis and an outer opening, positioning means for positioning the inflation valve when coupled in the coupling hole, and an activating pin (22), which is arranged coaxially with the coupling hole, for depressing a central spring-force operated core pin (at 33) of the inflation valve (18), a cylinder (inside surface of body 20) having a cylinder wall provided with a pressure port (at inlet connector 25) which is connected to a pressure source (at 16), wherein the activating pin (22) is shiftable between a proximal pin position (not actuated, fig. 3) and a distal pin position (actuated, in which piston is forced to the right by inlet fluid pressure against spring 23) relative to the positioning means so as to depress the core pin (at 33) of the inflation valve (18) in its distal pin position and disengage the core pin (at 33) of the inflation valve (18) in its proximal pin position when the inflation valve is positioned by the positioning means, the activating pin (22) is coupled with a piston (21) and the piston (21) is slidingly arranged in the cylinder and is movable between a proximal piston position, which corresponds to the proximal pin position, and a distal piston position, which corresponds to the distal pin position, characterized by the fact that the piston (21) is disposed in the cylinder between the pressure port (at inlet connector 25) and the coupling hole (at 17) and is drivable from its proximal piston position to its distal piston position by the pressure supplied into the cylinder from the pressure source (16), and that flow regulating means (at valve port 31, passage 30 and port 32) are provided for

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selectively interrupting or freeing a flow path between the pressure source (16) and the coupling hole (at 17) depending on the piston (21) positions and are adapted such that the flow path is interrupted in the proximal piston position and the flow path is freed in the distal piston position at least when the inflation valve is positioned by the positioning means" as recited in claim 1.

Regarding claim 2, in Brummer, "the flow regulating means are further adapted such that the flow path is interrupted between said proximal and distal piston positions in third piston positions which correspond to intermediate pin positions in which the core pin is engaged by said activating pin" such as when the piston peripheral face clears port 31 but has not reached a final "distal position", as recited.

Regarding claim 3, in Brummer, "said flow regulating means comprise sealing means (not numbered but shown at the periphery of piston 21) and said sealing means comprise means for sealing the edge of said piston (21) against the wall of said cylinder when the piston (21) is in its proximal piston position respectively in its proximal and third piston positions" as recited.

Regarding claim 5, in Brummer, "that the housing (20) comprises piston control means (e.g. the internal surface) for guiding the movement of said piston (21) and of the activating pin (22) in the direction of the central axis of the coupling hole (at 17)" as recited.

Regarding claim 6, in Brummer, "the housing (20) comprises said cylinder wall for guiding the movement of said piston (21) and the activating pin (22) in the direction of the central axis of the coupling hole (at 17)" as recited.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brummer in view of Will.

The patent to Brummer discloses all the claimed features with the exception of having a coupling at nut 17 accommodating "hole sections... (of) different diameters and valve sealing means" at each respective hole section to accommodate use of the coupling ion inflation valves of different size and/or diameter.

The patent to Will discloses that it is known in the art to employ a coupling at outlet end conduit 20 including "hole sections and seals" 30, 32 of different diameter for the purpose of allowing the inflation coupling to be coupled to inflation valves of different diameters without physically changing any portion of the coupling.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Brummer an outlet coupling within nut 17 having hole sections and seals of different diameters for the purpose of allowing the inflation coupling 17 to be coupled to inflation valves of different diameters without physically changing any portion of the coupling 17 as recognized by Will.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brummer in view of Gourlet.

The patent to Brummer discloses all the claimed features with the exception of having utility in combination with a hand operated inflation pump.

The patent to Gourlet discloses that it is known in the art to employ an inflation valve coupling at pullet coupling 10 combined with a hand operated pump P for the purpose of inflating inflatable objects by hand.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Brummer a hand operated pump as the pressure source for the purpose of inflating inflatable objects by hand as recognized by Gourlet.

Claims 4 , 8-12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (571) 272-4918. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**John Rivell**  
**Primary Examiner**  
**Art Unit 3753**

j.r.